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**DEPARTMENT OF FOOD AND AGRICULTURE**

Division of Measurement Standards  
8500 Fruitridge Road  
Sacramento, CA 95826-4808



April 3, 2000

FHWA-97-2979-53

Docket Clerk  
U.S. DOT Dockets  
Room P1-401  
400 Seventh Street, S.W.  
Washington, DC 20590-0001

00 APR 10 PM 1:55  
Docket Clerk

To Whom It May Concern:

Please include into the record the attached comments regarding Docket No. FHWA-97-2979 as my written testimony supporting the current regulation requiring the use of certified scales for independent shippers by the moving and storage industry.

If you have any questions, or if I can be of further assistance in explaining the benefits to the independent shipper by requiring the use of certified scales, please feel free to contact me at the number below.

Sincerely,

Dennis R. Johannes  
Acting Director  
(916) 229-3000

Attachment

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**Docket No. FHWA-1997-2979**

**Written Testimony of  
Dennis R. Johannes  
Acting Director  
California Division of Measurement Standards  
Sacramento, California  
(916) 229-3000**

DEPT. OF TRANSPORTATION  
OFFICE OF LEGAL COUNSEL  
00 APR 10 PM 1:58

The California Department of Food and Agriculture, Division of Measurement Standards, is responsible for maintaining national traceability of the state and local standards used to verify commercial weighing and measuring equipment within California. California and all other states have adopted U. S. Department of Commerce, National Institute of Standards and Technology (NIST), Handbook 44, "Specifications and Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" (Title 4, California Code of Regulations, Section 4000). NIST Handbook 44 serves as a uniform model governing performance, use, and testing of commercial weighing and measuring devices.

The NIST Office of Weights and Measures through the National Conference on Weights and Measures provides a forum for sellers, customers, equipment manufacturers, equipment users, equipment repair agencies, international, national, state and local weights and measures officials, and others to establish the consistent requirements necessary to ensure equity and promote uniformity at all levels of commerce. NIST Handbook 44 currently recognizes the use of on-board weighing systems in commercial transactions, provided they meet the standards recognized as accurate and equitable to all parties in the transaction. Devices failing to comply with NIST Handbook 44 requirements cannot be "sealed" by weights and measures officials and should not be permitted as alternatives to devices which meet the existing standards.

The FHWA should retain a policy of requiring weights upon which charges are based to be determined on scales which have been tested and sealed by weights and measures officials applying the requirements of NIST Handbook 44. Companies who wish to offer weighing and measuring devices for use in determining charges for goods or services, should ensure that they comply with the uniform standards contained in the Handbook, and should continue to be required by the FHWA to submit such devices to testing and verification by weights and measures officials.